IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TENTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 14081 of 2004

Between:

Chesetti Jamuna Rani, W/o. Ramesh Babu,
R/o. Hospital Road, Gudu, Nellore District.

..... PETITIONER

AND

1 The Superintending Engineer, Operations, Southern Power Distribution Company of A.P. Ltd. Nellore.
2 Addl. Assistant Engineer, Southern Power Distribution Company of A.P. Ltd. West Section, Gudur, Nellore District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order, writ or direction more particularly a Writ of Mandamus declaring the order passed by the 2nd respondent in his proceedings letter No. AAE/West/GDR(T)F.NO. /D.NO. 8/04 dated 04-8-2004 demanding the arrears of the previous landlords of the tenant of the petitioner and premises of the petitioner as illegal, arbitrary, unjust, violative of principles of natural justice and without jurisdiction

Counsel for the Petitioner: MR.P.SRIDHAR REDDY

Counsel for the Respondent s: K.Ravinder Kumar, S.C.

The Court made the following :

THE HONOURABLE MS.JUSTICE G.ROHINI

WRIT PETITION NO.14081 OF 2004

ORDER:

Heard the learned counsel for the petitioner and Sri K.Ravinder Kumar, for respondents.

The petitioner seeks a declaration that the order passed by the Additional Assistant Engineer, West Section, Gudur of Nellore District dated 4.8.2004 demanding payment of the alleged arrears in respect of the service connection of the previous landlords of the lessee of the petitioner and threatening to disconnect the electricity supply to the premises of the petitioner, as arbitrary and illegal.

The petitioner states that she purchased the house plot in Survey No.1825 of West Gudur Village, Gudur Mandal of Nellore District under a registered sale deed dated 21.2.2003. Thereafter having obtained necessary approval from the Gudur Municipality, she constructed a building and obtained electricity connection bearing S.C.No.18124 for her building. She states that she has leased out the premises to a Bar and Restaurant viz., CVG Bar and Restaurant, of which her husband is the proprietor. The service connection is under category II, i.e., for commercial purpose and as demanded, the electricity charges are being regularly paid.

While so, the second respondent issued impugned proceedings dated

4.8.2004, which is served on petitioner on 7.8.2004 directing the petitioner to pay a sum of Rs.38,649/- and Rs.15,064/- alleged to be towards the arrears of service connection Nos.8755 and 14354 on the ground that the present lessee was the lessee of the premises to which the above two service connections were connected. Aggrieved by the same, this writ petition is filed.

It is contended by the learned counsel for the petitioner that the petitioner has nothing to do with the said service connections and the respondents are not justified in directing the petitioner to pay the amounts alleged to be due in respect of said service connections inasmuch as she is neither the owner of the premises where the said service connections are connected nor a registered consumer of the said service connections.

As can be seen from the impugned proceedings dated 4.8.2004 there was no prior notice to the petitioner before making the demand for payment of the amount in dispute.

Having regard to the assertions made by the petitioner that she is no way concerned with the said two service connections in respect of which arrears are now being demanded and since the matter involves several disputed questions of fact, I deem it appropriate to dispose of the writ petition permitting the petitioner to submit her objections in respect of demand made under impugned proceedings dated 4.8.2004 before the 2nd respondent on or before 13.8.2004. If such objections are filed by the petitioner within the time specified above, the Additional Assistant Engineer, Southern Power Distribution Company of A.P. Limited, West Section, Gudur of Nellore District shall consider the same, in accordance with law and pass appropriate orders, within one week thereafter. Till such time no coercive steps should be taken against the petitioner in pursuance of the impugned proceedings dated 04-08-2004.

Writ petition is accordingly disposed of. No costs.

10.8.2004

Note:

Issue C.C.by tomorrow.

B/o.

Mdaa.

Copy to :

1 The Superintending Engineer, Operations, Southern Power Distribution Company of A.P. Ltd. Nellore.

2 Addl. Assistant Engineer, Southern Power Distribution Company of A.P. Ltd. West Section, Gudur, Nellore District

3. Two C.D.Copies.